

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, LLC, fka CAPITOL RECORDS,
INC.; ELEKTRA ENTERTAINMENT
GROUP INC.; INTERSCOPE RECORDS;
LAFACE RECORDS LLC; MOTOWN
RECORD COMPANY, L.P.; PRIORITY
RECORDS LLC; SONY MUSIC
ENTERTAINMENT, fka SONY BMG
MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;
MARK GORTON; GREG BILDSON; and
M.J.G. LIME WIRE FAMILY LIMITED
PARTNERSHIP,

Defendants.

06 Civ. 05936 (KMW)
ECF CASE

**STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING
DIRECT INFRINGEMENT, PURSUANT TO LOCAL CIVIL RULE 56.1**

Glenn D. Pomerantz (*pro hac vice*)
Kelly M. Klaus (*pro hac vice*)
Melinda E. LeMoine
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Date: January 27, 2011

Pursuant to Local Rule 56.1, plaintiffs Arista Records LLC; Atlantic Recording Corporation; Arista Music, fka BMG Music; Capitol Records, LLC, fka Capitol Records, Inc.; Elektra Entertainment Group Inc.; Interscope Records; LaFace Records LLC; Motown Record Company, L.P.; Priority Records LLC; Sony Music Entertainment, fka Sony BMG Music Entertainment; UMG Recordings, Inc.; Virgin Records America, Inc.; and Warner Bros. Records Inc. (collectively, “plaintiffs” or the “Record Companies”) set forth in support of their motion for partial summary judgment filed concurrently herewith, the following statement of the material facts as to which there is no genuine issue to be tried:

DOWNLOAD EVIDENCE

1. **DtecNet**: The anti-piracy firm DtecNet Software downloaded 10,181 of Plaintiffs’ copyrighted works from U.S.-based LimeWire users. *See* Declaration of Kelly M. Klaus, ¶ 2 & Ex. 1 (RC-00008845).
2. **MediaSentry**: The anti-piracy firm MediaSentry Inc. downloaded 1,024 of Plaintiffs’ copyrighted works from U.S.-based LimeWire users. *See* Declaration of Kelly M. Klaus, ¶ 2 & Ex. 1 (RC-00008845).

Dated: January 27, 2011

Respectfully submitted,

/s/ Kelly M. Klaus

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